

State of Montana
American Recovery and Reinvestment Act Waiver Request

Waive the Performance Measures for Youth who Participant in Work Experience only under the American Recovery and Reinvestment Act

The Montana Department of Labor and Industry (MDLI), the State administrative entity for the Workforce Investment Act (WIA), is requesting to waive the common measures for the WIA Title IB youth as delineated in TEGL 17-05.

MDLI understands that the waiver is applicable only to youth ages 18-24 who are enrolled under the American Recovery and Reinvestment Act and who participate in Work Experience only beyond the summer months; and applies only for the first six months following the summer of 2009 (October 1, 2009 through March 31, 2010).

Waiver Plan

Section 189(i)(4) of the Workforce Investment Act permits a state to seek waivers of statutory or regulatory requirements, as well as setting forth what information must be provided in seeking such a waiver. The waiver request format follows WIA Law Section 189(i)(4)(B) and Regulations at 20 CFR Part 661.420.

1. Statutory Regulations to be waived:

The youth performance measures found in Regulations at 20 CFR Part 666.100 (WIA Law Section 136(b)) and the three youth common measures found in TEGL 17-05.

2. Describe action the State has undertaken to remove State or local statutory or Regulatory barriers:

Montana implemented the 17 performance measures as required under federal and state laws and regulations and in 2007 received waiver approval to track only the common measures. No additional State requirements have been added to impede or prohibit implementing the common measures.

Upon notification of approval of this waiver request, State rules, policies and procedures will be developed and issued to comply with the terms of this waiver.

3. Waiver goals and measurable programmatic outcomes, if the waiver is granted:

Older out-of-school youth ages 22-24 will be referred to the adult program for enrollment as appropriate. However, who are out-of-school youth, aged 22 – 24, and are not ready to enroll in the adult program and be tracked under adult performance. Tracking Work Readiness only will:

- Allow providers to continue working with disconnected out of school, aged 18 – 24 who have no plans for school or employment and explore further training and educational goals and opportunities.
- Alleviate additional performance tracking requirements and reduce the pressure

that is placed on service providers to push youth into permanent employment before they are ready;

4. Describe any individuals affected by the waiver:

The waiver will have a positive benefit for:

- a. Service providers;
- b. and youth customers

5. Additional Considerations:

As much as possible and as appropriate service providers will co-enroll youth (ages 14-21) who are in the ARRA summer program in the WIA youth formula program. Older youth ages 22-24 currently enrolled in the ARRA youth program will be referred to the WIA adult formula program as much as possible and as appropriate.

6. Describe the processes used to:

(i) Monitor the progress in implementing the waiver:

MDLI as the state administrative entity for Workforce Investment Act Title IB programs will monitor the implementation and impact of the waiver. MDLI will provide applicable guidelines, policies and procedures for the ARRA youth employment program and monitor the ARRA Work Experience activities (worksites, participant eligibility, etc.) separate from regular WIA monitoring.

MDLI will submit reports to USDOL, if and when required, detailing the impact of this waiver.

(ii) Provide notice to any Local Board affected by the waiver:

Montana is a single statewide planning area and the SWIB has local board responsibilities. The draft waiver was posted on the SWIB website, and all SWIB members were notified it was available for review and comment.

(iii) Provide any Local Board affected by the waiver an opportunity to comment on the request:

Montana is a single statewide planning area and the SWIB has local board responsibilities. The draft waiver was posted on the SWIB website, and all SWIB members were notified it was available for review and comment.

(iv) Ensure the opportunity for meaningful public comment, including comment by business and organized labor, on the waiver:

A general public comment period was provided through posting the proposed Waiver request on the SWIB website for **10** days, and notifying all SWIB members and SWIB interested persons it was available for review and comment. After the public comment period, the proposed Waiver request was presented to the SWIB Executive Committee for approval, during a publicly noticed meeting. Committee members were presented with all public comments received during the public comment period, and asked for additional public comments during the meeting. Comments approved by the Committee

were incorporated into the final Waiver request. Formal action was taken by the SWIB Executive Committee to approve the proposed Waiver request for submittal to USDOL.

Montana appreciates the flexibility afforded to states through the waiver process and anticipates the waiver plan provides adequate accountability and improved performance for USDOL approval.